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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/895,242	03/22/2004	Walter Hegel	2694-0144P	9065

2292 7590 07/30/2007
BIRCH STEWART KOLASCH & BIRCH
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EXAMINER

LEE, CHUN KUAN

ART UNIT	PAPER NUMBER
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2181

NOTIFICATION DATE	DELIVERY MODE
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07/30/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/805,242	Applicant(s) HEGEL, WALTER	
	Examiner Chun-Kuan (Mike) Lee	Art Unit 2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

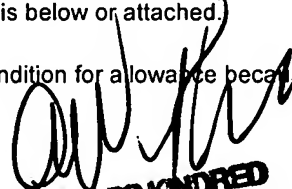
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7-9 and 11-14.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see Continuation Sheet below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


ALFORD KINDRED
PRIMARY EXAMINER

In response to the applicant's arguments, on page 6, last paragraph, regarding the rejection of independent claim 1 rejected under 35 U.S.C. 103(a) that the combination of references does not teach an emergency stop functionality; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner relies on Yonekura's Figure 5A for the teaching of an emergency stop functionality associated with the bus system disclosed by Yonekura's Figures 1-2; more specifically, at the bottom of Figure 5A disclosing "EMERGENCY STOP."

In response to the applicant's arguments, on page 6, last paragraph and page 7, 3rd paragraph, regarding the rejection of independent claim 1 rejected under 35 U.S.C. 103(a) that the combination of references does not teach a bus functionality; applicant's arguments have fully been considered, but are not found to be persuasive.

Examiner is assuming that the "bus functionality" that applicant's arguing is directed to the claimed bus system, wherein please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In the instant applicant, the examiner relied on both Yonekura's Figures 1-2 and Jenson's Figure 1 for the teaching of the claimed bus system.

In response to the applicant's arguments, on page 7, 1st paragraph, regarding the rejection of independent claim 1 rejected under 35 U.S.C. 103(a) that the combination of references does not teach a uniform bus structure; applicant's arguments have fully been considered, but are not found to be persuasive.

Please note that the features upon which applicant relies (i.e., a uniform bus structure) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's arguments, on page 6, last paragraph to page 7, 2nd paragraph, regarding the rejection of independent claim 1 rejected under 35 U.S.C. 103(a), applicant appears to argue that Yonekura is nonanalogous art; applicant's arguments have fully been considered, but are not found to be persuasive.

Please note that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Yonekura is in the field of applicant's endeavor as Yonekura is associated with tableting press (Yonekura, col. 2, ll. 11); further more, Yonekura is pertinent to the particular problem with which the applicant was concerned, as Yonekura discloses safety associated with the tableting press (Yonekura, col. 1, ll. 34-37).

As applicant is applying similar arguments presented above towards independent claim 14, the examiner is also applying similar responses towards independent claim 14.

As per claims 2-5, 7-9 and 11-13, dependent claims 2-5, 7-9 and 11-13 are unpatentable at least due to direct or indirect dependency on the rejected independent claim 1.

In responding to all applicant's arguments, the examiner will maintain his position and the current rejection of record.